

AF \$ 22u

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**

Docket No.
01-471

In Re Application Of: **Ray Whitney**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/921375	08/02/2001	My Xuan Nguyen	33055	2642	3959

Invention: **Digital, Wireless PC/PCS Modem**

RECEIVED

FEB 2 2006

**BOARD OF PATENT APPEALS
AND INTERFERENCES**

COMMISSIONER FOR PATENTS:

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **12/23/2005** finally rejecting Claim(s) **1-14**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for this Notice of Appeal is: **\$250.00**

☒ A check in the amount of the fee is enclosed.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **07-2380**

☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Signature

John D. Gugliotta, PE, Esq.
Reg. No. 36538
Patent, Copyright & Trademark Law Group, LLC
137 S. Main St., Ste. 202
Akron, OH 44308
330-253-5678
330-253-6658 (facsimile)

Dated: **January 31, 2006**

**RECEIVED
OIPE/IAP**

FEB 08 2006

02/08/2006 YPOLITE1 00000011 09921375

01 FC:2401

250.00 OP

cc:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

January 31, 2006

(Date)

Signature of Person Mailing Correspondence

Terry Lakos

Typed or Printed Name of Person Mailing Correspondence